

REMARKS

Claims 1-15 are pending in the present application. Claims 4 and 14 have been amended herewith. Reconsideration of the claims is respectfully requested.

Amendments were made to the specification to correct errors and to clarify the specification. No new matter has been added by any of the amendments to the specification.

Also, Applicants have submitted proposed corrections to drawings labeled Figures 1, 2 and 3, and labeled as Replacement Sheets. These changes will be incorporated into a formal set of drawings upon approval of the proposed changes by the Examiner.

I. Drawing Objection

The Examiner objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they include reference numbers 114, 116 and 118 not mentioned in the description. Applicants have amended the specification on page 5 to include mention of such reference numbers.

The Examiner also objected to the drawings because reference number “100” is noted as “network” in Figure 1, while in the Specification it is stated as “Network data processing system” on page 5, lines 8, 22, 25; page 6, line 2. Applicants are submitting herewith a Replacement Sheet for Figure 1 which eliminates the word “Network”.

The Examiner also objected to the drawings because reference character “200” has been noted as both “server” in Figure 2 and “Data Processing system” in the specification on page 6, line 11. Applicants are submitting herewith a Replacement Sheet for Figure 2 which eliminates the word “Server”.

The Examiner also objected to the drawings because reference character “300” has been noted as both “client” in Figure 3 and “Data processing system” in the specification on page 7, line 23, 25; page 8, line 20. Applicants are submitting herewith a Replacement Sheet for Figure 3 which eliminates the word “Client”.

Therefore, the objection of the drawings has been overcome.

II. Specification Objection

The Examiner objected to the specification because on page 5, line 20-21 and page 6, line 26 it states "...clients 108-112", and yet there are no reference numbers for 109 and 111 (only 108, 110 and 112). Applicants have amended pages 5 and 6 of the Specification to use 108, 110 and 112 instead of 108-112. Therefore, the objection to the specification has been overcome.

III. 35 U.S.C. § 102, Anticipation

The Examiner rejected Claims 1-15 under 35 U.S.C. § 102 as being anticipated by Hartsell et al. (US 2002/0174227). This rejection is respectfully traversed.

With respect to Claim 1 (and dependent Claims 2 and 3), Applicants show that the cited reference does not teach the claimed steps of "determining *if the client machines are contributing resources to peer-to-peer sharing*" (emphasis added), and "sending the requested information to the client machines, *wherein priority is given to requests from clients which are contributing resources to peer-to-peer sharing*" (emphasis added). These claimed steps advantageously provide incentives for client machines to contribute resources to a peer-to-peer computer network. The cited reference does not teach any method of providing such incentives for client machines. In rejecting Claim 1, the Examiner states Hartsell teaches a determination of whether client machines are contributing resources to peer-to-peer sharing at page 15, paragraph [0136]; page 20, paragraphs [0184] and [0190]; and page 22, paragraph [0199]. Applicants have thoroughly reviewed these cited passages and find no such teaching, as will now be described in detail.

Hartsell paragraph [0136] describes an internal technique within the content delivery mechanism itself. The internal technique is a content acceleration technique, and is achieved by the use of multiple engines that may communicate as a peer so that communication and data paths within the content delivery system may skip unnecessary engines. For example, data may be communicated directly from the storage processor engine of the content delivery system to the transport processing engine of the content delivery system without having to utilize resources of the application processing engine of the content delivery system. While the internal design of, and processing within, the

content delivery system in and of itself may possibly utilize some type of peer to peer environment for its internal processing engines, there is no teaching of determining if client machines are *contributing resources* to peer-to-peer sharing or *giving priority to requests from clients based upon a clients' contribution of resources to peer to peer sharing*, as claimed.

Hartsell paragraph [0184] describes various deterministic information management features that include the manipulation of information based upon system conditions or values. The present invention does not seek claim coverage for such a broad-based scenario, but rather is specific to sending information to clients in a priority fashion, where the priority is based upon client contribution of resources to peer-to-peer sharing. There is no teaching in this cited paragraph of determining if client machines are *contributing resources* to peer-to-peer sharing or *giving priority to requests from clients based upon a clients' contribution of resources to a peer to peer sharing*, as claimed.

Hartsell paragraph [0190] describes a technique for filtering requests for content. An example of such filtering is rejecting requests for content that a receiving system is not capable of processing. There is no teaching that this receiving system is contributing resources to peer-to-peer sharing, or that requested information is sent to the receiving system where priority is given to requests from receiving systems which are contributing resources. Thus, there is no teaching in this cited paragraph of determining if client machines are *contributing resources* to peer-to-peer sharing or *giving priority to requests from clients based upon a clients' contribution of resources to peer to peer sharing*, as claimed.

Hartsell paragraph [0199] generally describes policies for delivering content based upon certain parameters. The parameters include things such as type of request, type of file or service requested, user identification or predefined priority per quality of service or service level agreement. This cited passage makes no mention that this priority is based in any way upon a requestor's contribution of resources. It merely states that priority information is associated with a request. Thus, there is no teaching in this cited paragraph of determining if client machines are *contributing resources* to peer-to-peer sharing or *giving priority to requests from clients based upon a clients' contribution of resources to peer to peer sharing*, as claimed.

As shown above, none of the cited references teach key features of the present invention - “determining *if the client machines are contributing resources to peer-to-peer sharing*” (emphasis added), and “sending the requested information to the client machines, *wherein priority is given to requests from clients which are contributing resources to peer-to-peer sharing*”. These claimed steps advantageously provide incentives for client machines to contribute resources to a peer-to-peer computer network. The cited reference does not teach any method of providing such incentives for client machines. For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). As shown above, every element of the claimed invention is not identically shown in the cited Hartsell reference, and thus Claim 1 is not anticipated by the Hartsell reference.

With respect to Claim 4 (and dependent Claim 5), Applicants show that the cited reference does not teach the claimed step of requesting information from a network server, *wherein the request is given priority in proportion to the level of resources contributed to peer-to-peer sharing*. In rejecting Claim 4, the Examiner cites Hartsell paragraph [0236] and [0136] as teaching this claimed step. Applicants have thoroughly reviewed these cited passages and find no such teaching, as will now be described in detail.

Hartsell paragraph [0236] describes a summary of the previously described Hartsell teachings, and summarizes deterministic management of information. While this passage does mention use of a priority level, how such priority level is obtained or subsequently used is not described. In particular, this passage does not teach that this priority is in any way in proportion to a level of contributed resources. Thus, there is no teaching or suggestion in this cited paragraph of requesting information from a network server, *wherein the request is given priority in proportion to the level of resources contributed to peer-to-peer sharing*.

Hartsell paragraph [0136] describes an internal technique within the content delivery mechanism itself. The internal technique is a content acceleration technique, and is achieved by the use of multiple engines that may communicate as a peer so that communication and data paths within the content delivery system may skip unnecessary

engines. For example, data may be communicated directly from the storage processor engine of the content delivery system to the transport processing engine of the content delivery system without having to utilize resources of the application processing engine of the content delivery system. This passage does not teach that a priority is used that is in proportion to a level of contributed resources. Thus, there is no teaching or suggestion in this cited paragraph of requesting information from a network server, *wherein the request is given priority in proportion to the level of resources contributed to peer-to-peer sharing*”.

As shown above, the cited reference does not teach a key feature of the present invention - requesting information from a network server, *wherein the request is given priority in proportion to the level of resources contributed to peer-to-peer sharing*. This claimed step advantageously provides incentives for devices to contribute resources to a peer-to-peer computer network. The cited reference provides no such incentives. For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). As shown above, every element of the claimed invention is not identically shown in the cited Hartsell reference, and thus Claim 4 is not anticipated by the Hartsell reference.

With respect to Claim 6 (and dependent Claims 7 and 8) and 11 (and dependent Claims 12 and 13), Applicants traverse for similar reasons to those given above with respect to Claim 1.

With respect to Claim 9 (and dependent Claim 10) and 14 (and dependent Claim 15), Applicants traverse for similar reasons to those given above with respect to Claim 4.

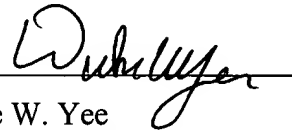
Therefore, the rejection of Claims 1-15 under 35 U.S.C. § 102 has been overcome.

IV. Conclusion

It is respectfully urged that the subject application is patentable over the cited reference and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 12/22/04

Respectfully submitted,



Duke W. Yee
Reg. No. 34, 285
Wayne P. Bailey
Reg. No. 34,289
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorneys for Applicants